



U.S. Institute for Environmental Conflict Resolution

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ECR2012: Working Across Boundaries

Seventh National Conference on
Environmental Collaboration and Conflict Resolution
May 22-24, 2012 – Tucson, AZ



CALL FOR CONFERENCE PRESENTATION PROPOSALS

Overview

The U.S. Institute for Environmental Conflict Resolution, a program of the Udall Foundation, invites you to share your knowledge at the seventh national conference **ECR2012: “Working Across Boundaries.”** The conference, organized in conjunction with several federal partners, will be held on **May 22-24, 2012**, at the JW Marriott Starr Pass in Tucson, Arizona.

Proposals from session organizers are currently being accepted for concurrent/breakout presentations, panel sessions, facilitated roundtable discussions, and training workshops. **The deadline to submit proposals is Friday, October 28, 2011.** Proposals may be submitted online at www.surveymonkey.com/s/ECR2012.

The ECR2012 Conference Steering Committee is seeking proposals from panelists and presenters with unique experience and insights that provoke informative discussions and information sharing on the role of ECR in meeting the nation’s environmental governance challenges.

Proposals are being accepted in two categories: 1) pre-conference training workshops, and 2) conference sessions for the following four tracks:

Track I: Tribal Consultation, Collaboration and ECR

Track II: Collaborating at New and Larger Scales

Track III: Building Institutional and Practitioner Capacity for ECR and Collaboration

Track IV: ECR in Administrative and Litigation Contexts

In addition to the conference tracks outlined above, the Conference Steering Committee has identified four cross-cutting special subject areas to be highlighted as part of the ECR2012 program. The special subject areas are: **Environmental Justice**, **Innovative Uses of Technology in ECR Processes**, **Renewable Energy**, and the **Economics of ECR**. Priority will be given to proposals that fit within one of the four conference tracks and focus on one or more of these special subject areas.

The Conference Steering Committee strongly encourages the submission of proposals by teams of presenters and panelists representing a diversity of affiliations (e.g., members of federal, tribal, state and local governments, non-governmental organizations, as well as private citizens and other parties directly involved in environmental collaboration and conflict resolution).

SESSION AND PRESENTER DETAILS

Up to 40 concurrent 90-minute panel and roundtable sessions will be offered on both **Wednesday, May 23, 2012** and **Thursday, May 24, 2012**. Panels are limited to one moderator and no more than three (3) presenters. Roundtables are limited to two (2) facilitators for interactive small group breakouts or other co-learning activities among participants.

Half-day training workshops will be offered on **Tuesday, May 22, 2012**. Up to two trainers for each workshop will be paid a pre-determined flat rate to include labor, materials and supplies, conditioned on the session filling to a minimum number of pre-registered participants. Training workshops must be self-supporting and participants must pre-register and pay an additional fee to attend. Workshops that do not meet a minimum enrollment will be subject to cancellation without compensation to the trainer. Workshops that are in high demand may be selected for repeat sessions.

Proposals for panel, roundtable and training workshops should be submitted by a single individual who is also responsible for providing detailed information about all co-presenters, co-facilitators and/or co-trainers at the time of submittal. The submitting individual is also responsible for coordinating communication among all presentation team members up to and during the conference. All presenters are expected to submit written materials electronically before the conference and provide any necessary handouts for participants on site at their own cost.

The U.S. Institute does not waive registration fees or reimburse ECR2012 conference presenters for travel, lodging, meal expenses or conference registration fees unless otherwise stated at the time of engagement.

Selection Criteria

The **ECR2012** Program Track-Sub Committees will review all session proposals and make final selections with input from the Steering Committee. Proposals will be evaluated on:

- Overall Quality of Proposal
- Completeness of Proposal
- Well Defined Session Content that Fits with Track Objectives
- Session Content that Addresses one or more of the Conference Special Subject Areas (i.e., Environmental Justice, Technology and ECR, Renewable Energy, and the Economics of ECR)
- Innovative Original Content
- Relevance to Current or Emerging Opportunities and Challenges in Environmental Governance and the Role of ECR
- Potential to Attract and Stimulate Conference Attendees
- Broadscale Applicability of Concepts, Policies, Practices, Templates, and/or Lessons Learned
- Diversity of Panel Members (e.g., federal, tribal, state, regional, local government, practitioner, other)
- Presenter Qualifications/Previous Speaking Experience (See note below on session limitations per presenter**)
- Plan to Actively Engage Audience

**Presenters will be limited to participate in no more than two (2) conference sessions. At the time of the review process, presenters named on more than two proposals may be asked to identify presenter alternates.

Detailed Proposal Guidance by Track

TRACK I: TRIBAL CONSULTATION, COLLABORATION AND ECR

Based on the United States Constitution, treaties, statutes, regulations, executive orders, and judicial decisions, federally recognized Indian tribes have a unique political and legal relationship with the United States and other government entities. In complying with executive orders, statutes, and past directives that recognize this special political and legal relationship, federal departments and agencies have developed comprehensive policies for regular and meaningful tribal consultation (e.g., department and agency responses to the November 5, 2009, Presidential Memorandum on Tribal Consultation). This conference track will focus on the role of ECR and collaborative problem solving in the development and implementation of tribal consultation policies for agency activities that affect federally recognized tribes, their members, lands, resources and cultures. The track will also focus on ways ECR and collaborative problem solving can increase meaningful cooperation, engagement, and collaboration between Indian tribes and federal, state, and local government agencies in the future. The track will highlight generally accepted and effective principles, practices, and templates so that past efforts are leveraged to improve future work.

Possible session track topics/titles include, but are not limited to

- The Tribal Consultation Landscape: Tribal Consultation Policies Across Federal Agencies
- Best Practices and Effective Tribal Cooperation, Engagement, and Consultation: Practitioner Insights
- Developing and Effectively Implementing Agency Training on Tribal Consultation and Governmental/Cultural Protocol
- What's Next? Future of Collaboration and ECR in Indian Country After the Adoption of the Tribal Consultation Policies by Federal Agencies
- Ways to Increase Meaningful Cooperation, Engagement, and Collaboration Between Indian Tribes and Federal, State, and Local Governments
- The Scope of the UN Declaration on the Rights of Indigenous Peoples and How it Might be Used in ECR processes
- The Challenges of Implementing a Tribal Consultation Policy within a Department, Bureau or Agency
- How to Evaluate the Strengths and Weaknesses of a Tribal Consultation Policy (or Other Policy Relating to Tribal Engagement) Once it is In Place
- What is the Role of a Federal Agency in Disputes between Tribal Governments, or Disputes within Tribal Governments, or Disputes between a Tribal Government and its Membership, and is There a Place for ECR
- What are the Impacts, Hazards and Benefits of Linking Tribal Engagement with Environmental Justice Issues

TRACK II: COLLABORATING AT NEW AND LARGER SCALES

Some of the most important issues facing our nation – including land use patterns, energy development, water management, biodiversity protection, sustainable communities, and climate adaptation – require new approaches to environmental governance. New tools, governance models, and innovative applications of science are emerging to protect and manage our nation's cultural, economic, and natural resources. While many of these approaches attempt to address issues at several scales, ranging from local to global, it is increasingly imperative to address them at the scale of large landscapes. The range of these issues often transcends the legal and geographic reach of existing jurisdictions and institutions. In addition, many of

these issues can only be addressed through an integrated approach. Cultural and natural values must be integrated with economic and community development to contend with fragmentation of jurisdictional, organizational, and economic decision making. Currently, mechanisms to implement interagency and multijurisdictional collaborative decision-making processes are not well-defined, resulting in missed opportunities to address challenges collaboratively and thereby avoid or resolve conflicts. The ECR2012 “Collaborating at New and Larger Scales” track will bring together tribal representatives, policy-makers, agency staff, scientists, nongovernmental organizations and practitioners to explore and discuss new ways of framing concepts and new approaches to analysis and collaboration on new and larger scales.

Possible session track topics/titles include, but are not limited to

Working Across Planning/Scale Boundaries

- Collaborative planning: working at the intersection of multiple resources
- Managing climate change: adaptation strategies for landscape-scale conservation
- Collaborative planning for estuary protection
- Wildlife corridors: emerging concepts and approaches to conservation
- All lands planning: innovations in cross-jurisdictional land use planning and management
- Renewable energy: reflections on siting and transmission conflicts

Working Across Technology Boundaries

- Technology: tools for mapping the social, cultural and environmental landscapes
- Convening fire shed communities: new strategies and tools for collaboration
- New developments and applications of decision support tools for landscape-scale resource management
- Mapping corridors: integrating management of energy, fire, wildlife, water and recreation

Working Across Knowledge Boundaries

- Integrating traditional ecological knowledge with conventional scientific paradigms
- New science management partnerships to enhance landscape-scale decision making

Working Across Cultural Boundaries

- Sacred places: scaling up to protect sites that are significant to tribal culture, history and identity
- Community engagement in the reuse and redevelopment of contaminated lands

Working Across Governance Boundaries

- Watershed management and restoration: new strategies for collaboration and governance
- Landscape conservation cooperatives: emerging experience in convening at an ecosystems scale
- Climate Science Centers: promoting collaborative scientific activities to inform decision making
- Ecosystem governance: new models for multi-stakeholder environmental management
- Coordinating landscape-level science-based management initiatives across federal agencies

Other topics

- Multimedia community pollution reduction and/or resource use
- Developing collaborative models for community resilience to emergency responses

TRACK III: BUILDING INSTITUTIONAL AND PRACTITIONER CAPACITY FOR ECR AND COLLABORATION

After 30 years in which environmental collaboration and conflict resolution have been viewed as alternative practices in environmental policy making and decision making, these mechanisms and processes are increasingly being recognized as cost-effective alternatives to litigation in dealing with entrenched conflicts, and as management tools to minimize and prevent conflicts on the horizon. Nurturing the growing recognition of the value of environmental collaboration and conflict resolution requires institutional and professional development. This ECR2012 track will focus on the practitioner's professional development needs and on institutional program development and staff capabilities that increase the appropriate and effective use of ECR and collaborative problem solving in addressing environmental challenges.

Possible session track topics/titles include, but are not limited to

Practitioner Issues

- Beyond negotiability: assessment skills for the full range of collaborative tools
- Supporting future generations of neutrals: models for mentoring, training, apprenticeships, etc.
- The role of substantive knowledge in neutral selection and practice
- Incorporating GIS, decision support tools, and other collaborative technologies into ECR activities
- Teaming models for large scale collaboration efforts
- Practitioner challenges in landscape-scale, ecosystem-based resource management collaborations
- Challenges in designing processes with impact beyond the meeting room
- Demonstration and practice with tools for virtual stakeholder meetings and other applications of technology in ECR processes
- Business management and marketing practices for neutrals
- Federal Advisory Committee Act, sunshine and transparency laws, Paperwork Reduction Act implications for collaborative activities
- Putting your best foot forward - Marketing, resumes, proposals, RFP response coaching, client communications essentials
- Mistakes we've all made and lessons learned
- Combining ECR and social marketing/behavior change/outreach
- Incorporating results of process evaluation into ECR practices
- Community demographic analysis – how to identify Environmental Justice issues in your ECR case

Building Institutional Capacity

- Sustaining collaboration across administrations – leadership strategies and challenges
- Models for funding ECR
- Training agency staff beyond negotiation and facilitation – enlarging the toolbox on an agency-wide scale, including assessment and collaborative process design
- Designing and managing collaborative processes for interagency disputes
- Enhancing agency and stakeholder capacity to use technological tools for collaboration
- Fostering regional and landscape level collaboration
- When do you need a neutral practitioner? When can agency leaders effectively serve in the facilitator role?
- Overcoming organizational challenges to institutionalizing the use of ECR
- Developing ECR and collaborative problem-solving policy guidance
- Conducting periodic internal audits or programmatic assessments to identify areas of emerging or existing environmental conflicts and challenges that might be appropriate for ECR and other collaborative processes
- Estimating the annual costs associated with environmental conflicts and challenges, and setting goals to reduce the costs of conflicts and maximize the benefits of collaboration

- Developing ECR outreach and implementation plans that identify tools and resources for ECR adoption
- Coordinating with other departments and agencies on how to deal with emerging areas of conflict, and partnering with departments and agencies to address cross-cutting challenges
- How to focus on the strategic in a political arena that is inherently tactical
- What are the basic conflict resolution dynamics in federal agencies? How do they influence collaborative efforts?
- What are the key indicators of the need for a collaborative or conflict resolution approach, and how can they be routinely assessed
- Federal Advisory Committee Act, sunshine and transparency laws, Paperwork Reduction Act implications for collaborative activities
- The role of evaluation in institutionalizing ECR
- Confidentiality issues
- Crafting collaborative competencies and measuring them in hiring decisions for federal and state agencies

Other

- Collaborative governance and ECR: how are they alike and how do they differ?
- Are agreement-seeking processes on the wane?
- What are the effective approaches to environmental justice issues in collaborative processes?

TRACK IV: ECR IN ADMINISTRATIVE AND LITIGATION CONTEXTS

According to Department of Justice (DOJ) statistics, there are 7,000 cases involving the federal government and environmental issues pending in the federal courts. Of these, approximately 2,000 are relatively new cases filed within the last year. The volume is expected to increase further and does not include all the environmental litigation in which the federal government is not a party. These figures reveal the urgent need to resolve disputes. What role can ECR play to reduce such pervasive litigation?

Administrative proceedings represent another substantial arena of environmental conflict. How can ECR be used effectively in the administrative context to address issues such as compliance actions, permitting and licensing disputes?

A significant portion of the increase in formal proceedings arises from emerging areas of conflict such as climate change. From some, agencies face claims that they overreach their authority when addressing climate change, while from others, agencies receive criticism that they fail to adequately consider climate change in their regulations and decisions when such considerations are required under the National Environmental Policy Act, Endangered Species Act, Clean Air Act, and other environmental laws. What role could ECR play in addressing these claims?

EPA has placed a substantial emphasis on environmental justice, and the DOJ expects environmental cases will involve consideration of situations in which a disproportionate adverse environmental or human health effect appears to fall on an identifiable low-income/minority community or federally recognized tribe, consistent with Executive Order 12898 ("Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations"). In addition, the Environmental and Natural Resource Division of DOJ is reviewing its own cases to make sure that environmental justice is appropriately taken into account and advanced in its work pursuant to the All Americans under the Environmental Justice order and other applicable federal laws and regulations. What role could ECR play in addressing environmental justice considerations in litigation matters?

Possible topics for this track include, but are not limited to

- Diverting cases from a litigation path; when and how this is useful
- Assessing litigation risks as a tool for determining whether to use ECR
- What makes a case ripe for settlement
- ECR options for resolving a case in litigation, especially the seemingly intractable cases
- Special considerations for resolving cases with the federal government
- Confidentiality in litigated ECR cases
- The role of ECR in monitoring and implementing administrative proceeding and litigation outcomes
- What is the relation between ECR and setting precedents
- What are the alternatives for resolving cases in an administrative forum
- What lessons can we learn from administrative proceedings and litigation that would make ECR more effective
- How could ECR be used more effectively to address issues in permitting and licensing matters such as renewable energy projects
- How do we know whether ECR is more cost effective than traditional administrative processes or litigation
- In what ways could technology tools support the use of ECR in administrative proceedings or litigation
- What role could ECR play in emerging areas of conflict such as climate change
- Does ECR have a role in the implementation of new federal agency regulatory initiatives such as the EPA and Department of Transportation programs on livability
- What to do about the interests of those who are not parties to the litigation
- Dealing with environmental justice issues using ECR

PRE-CONFERENCE TRAINING WORKSHOPS

Training workshops provide an opportunity for participants to enhance their skills and learn new techniques and approaches to collaborative problem solving and environmental conflict resolution. The program committee will select the proposals that create the most dynamic and engaging learning experience for participants. Preference may be given to workshops that align with focus areas of this conference

Possible training workshop topics include, but are not limited to

- Managing Environmental Conflict
- Government-to-Government Communication involving Tribes
- Multiparty Negotiations
- Multigovernment Topics
- Enhanced ECR Technology
- Public Participation for Decision Makers
- Collaboration in NEPA
- Introduction to ECR
- Tribal Engagement/Tribal Consultation
- Application of Federal Government laws and regulations to ECR
- ECR Practitioner marketing and responding to RFPs
- Substantive topics in environmental science or technology in which ECR practitioners need to develop expertise (e.g., EPA settlement policies/procedures, NPDES permitting, CWA 404 permitting, risk communication and assessment essentials, key Endangered Species Act issues)

CONFERENCE MATERIALS/PROCEEDINGS

All session presenters will be required to submit professional written materials electronically (at a date to be announced) prior to the conference to be made available to conference attendees for download before or after the event. Conference organizers will not reproduce or distribute conference proceedings in any other format.

SUBMISSION DEADLINE

The Call for Presentation Proposals deadline is **October 28, 2011**. Proposals submitted after that date cannot be assured of consideration. The Conference Steering Committee will review and select panel and roundtable sessions by November 30, 2011. Selected presenters will be notified no later than December 16, 2011.

OPTIONS FOR SESSION SUBMISSIONS

Option 1: Submit online at www.surveymonkey.com/s/ECR2012.
Online submissions are strongly encouraged.

Option 2: Submit an [ECR2012 Session Proposal Form](#) via email at ECR2012@ecr.gov
You may Fax it to 520-901-8527.

Submission Confirmations

The key contact for each proposal (i.e., the submitter) will receive an email confirmation acknowledging the U.S. Institute's receipt of their ECR2012 conference proposal. Confirmations will be sent within seven (7) days of receipt of proposals. Please contact Tina Gargus (gargus@ecr.gov) if you do not receive a confirmation that your proposal has been received.

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